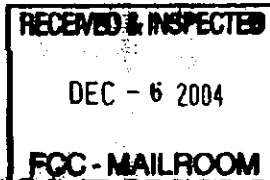


**UNITED STATES
FEDERAL COMMUNICATIONS COMMISSION**



In Re Applications of:) MB DOCKET No.: 04-191
)
SAN FRANCISCO UNIFIED SCHOOL) Facility ID No.: 58830
DISTRICT FOR RENEWAL OF)
LICENSE FOR STATION) File No.: BRED-19970801YA
KALW (FM), SAN FRANCISCO,)
CALIFORNIA)

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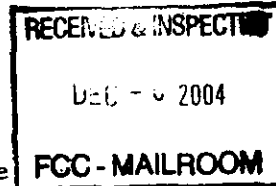
Deposition of: Jeffrey Ramirez

Pages: 1 through 141
Place: Washington, D.C.
Date: November 9, 2004

Federal Communications Commission	
Docket No.	04-191 Exhibit No. 1
Presented by	SEUSD
Disposition	Identified 5/16/05
	Received 5/16/05
	Rejected
Reporter	S. Stadnick
Date	5/16/05

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Official Reporters
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Washington, D.C. 20005-4018
(202) 628-4888
hrc@concentric.net



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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of:) MB Docket No.: 04-191
)
SAN FRANCISCO UNIFIED) Facility ID No.: 58830
SCHOOL DISTRICT FOR RENEWAL)
OF LICENSE FOR STATION) File No.: BRED-19970801YA
KALW (FM), SAN FRANCISCO,)
CALIFORNIA)

Deposition of:

JEFFREY RAMIREZ

a witness of lawful age, taken on behalf of the Federal
Communications Commission, pursuant to notice, in the
offices of the Federal Communications Commission, The
Portals, 445 Twelfth Street, N.W., Washington, D.C., on
Tuesday, November 9, 2004, at 11:10 a.m., before Theodore
Fambro, Notary Public in and for the District of
Columbia, when were present:

APPEARANCES:

On behalf of the Witness:

MARISSA G. REPP, Esquire
Hogan & Hartson, LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5600

Also on behalf of the Witness:

LOUISE H. RENNE, Esquire
Renne, Sloan, Holtzman & Sakai, LLP
188 The Embarcadero, Suite 200
San Francisco, California 94105
(415) 677-1234

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APPEARANCES: (Cont'd)

On behalf of the Commission:

JAMES W. SHOOK, Esquire
DANA LEAVITT, Esquire
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
(202) 418-1420/418-1317

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I N D E X

WITNESS:

Jeffrey Ramirez

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Deposition Began: 11:10 a.m. Deposition Ended: 4:43 p.m.

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E X H I B I T S

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
Ramirez 1	34	Portion of renewal application
Ramirez 2	35	47 C.F.R. Section 7335.27
Ramirez 3	38	Exhibit P to Petition to Deny
Ramirez 4	43	Exhibit O to Petition to Deny
Ramirez 5	53	Petition to Deny
Ramirez 6	59	Exhibit BB to Petition to Deny
Ramirez 7	60	Declaration of Ramirez
Ramirez 8	71	Public Radio Legal Handbook
Ramirez 9	94	Declaration of Bill Helgeson
Ramirez 10	99	2/01 Letter from FCC to SFUSD
Ramirez 11	102	SFUSD's 9/7/04 Response to Request for Admissions
Ramirez 12	104	1995 Supplemental Ownership Report
Ramirez 13	106	Report of KALW NPR programming for summer quarter 1992
Ramirez 14	110	FCC's Requests for Admissions
Ramirez 15	116	Listing of City Visions programs produced in 1992 and 1993

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E X H I B I T S

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
Ramirez 16	126	KALW's 1997 Financial Statements
Ramirez 17	128	1/30/98 Memo to Palacios from Ramirez
Ramirez 18	132	Alan Farley Interviews, Spring 1992
Ramirez 19	133	Your Legal Rights Topics and Guests, 1/93
Ramirez 20	134	2/24/93 Employment Log
Ramirez 21	135	Quarterly Issues for AIDS Update

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P R O C E E D I N G S

(11:10 a.m.)

MR. SHOOK: Swear in the witness, please.

THE REPORTER: Today is November 9, 2004.

My name is Ted Fambro. I'm a notary public for the District of Columbia. We're here at the FCC for the deposition of Jeffrey Ramirez. Would you raise your right hand, please.

Whereupon,

JEFFREY RAMIREZ

having been duly sworn, was called as a witness and was examined and testified as follows:

THE REPORTER: Okay. Thanks.

EXAMINATION BY COUNSEL FOR THE COMMISSION

BY MR. SHOOK:

Q Would you state your full name, please?

A Jeffrey P. Ramirez.

Q And the P stands for?

A Pascua.

Q Could you spell that for the court reporter?

A P-A-S-C-U-A.

Q Your current home address?

A 12004 Ashleigh Drive, North Bethesda,
Maryland 20852.

Q Could you briefly describe your educational

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1 background post high school?

2 A Post high school. I have a bachelor's
3 degree in mass communications with an emphasis in
4 journalism and advertising from San Diego State
5 University.

6 Q What is your current occupation?

7 A My title is manager of radio projects and
8 programming at the Corporation for Public
9 Broadcasting. Essentially, I'm a project officer on
10 grant funded projects at the CPB.

11 Q What does that entail?

12 A My work entails the review and -- well, the
13 solicitation and the review and evaluation of grant
14 proposals from public radio producers at the local
15 level, the network level and the national level. For
16 instance, projects that I manage include the grant
17 that we make to National Public Radio to produce
18 programs like the Tavis Smiley Show, the day-to-day
19 news magazine program, and smaller grants to
20 independent producers to produce limited series
21 documentaries like a Leonard Bernstein documentary
22 special.

23 Q How long have you been in that position?

24 A I started in April 1998, so six and a half
25 years.

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1 Q Before the job with CPB, where did you work?

2 A I was the general manager at KALW in San
3 Francisco.

4 Q On occasion, I may slip back and forth
5 between general manager and station manager. Is there
6 any real difference between the two?

7 A Industry-wide, no. I think they're
8 interchangeable.

9 Q But in terms of at the station, KALW, was
10 the proper title general manager? If so, I'll try to
11 use that.

12 A Yeah. Yeah.

13 Q Prior to working as general manager at KALW,
14 what employment did you have?

15 A I was a talk show producer at KPBS radio in
16 San Diego. It's a public radio station licensed to
17 San Diego State University. There was also a public
18 TV station, so I produced some TV programs there as
19 well.

20 Q First of all, for what period of time were
21 you the general manager at KALW?

22 A I started in August 1996, and I left in
23 January 1998.

24 Q Prior to working at KALW, what was your
25 tenure at the other station that you mentioned?

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1 A I started at KPBS in 1990 -- or 1988 -- as a
2 student employee. I was actually working in the
3 mailroom, sorting mail and delivering mail. I started
4 as a producer in 1991 and then acted as the talk show
5 producer for 1991 until I left in 1996.

6 Q Prior to becoming general manager at KALW,
7 did you have a managerial job of any type in public
8 radio?

9 A No, though as the talk show producer at KPBS
10 I was the production manager for local programming,
11 for local program productions.

12 Q What type of management responsibilities
13 were involved there?

14 A It included managing a staff of producers
15 that included two hosts, a couple of associate
16 producers and some student interns.

17 Q Those managing responsibilities, did they
18 include hiring and firing?

19 A No. Well, I hired people. I never fired
20 anyone. I did do performance evaluations, but it was
21 never with the intent to fire anyone, so I don't know
22 if I did that. Yeah, I never fired anyone. I hired
23 people.

24 Q You may have had the authority to fire
25 someone but you didn't have to --

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1 A Correct.

2 Q -- or you chose not to, either way?

3 A Correct.

4 Q Now in terms of other management
5 responsibilities, you had mentioned performance
6 evaluations. What was involved with that?

7 A At KPBS?

8 Q Yes.

9 A At the station, we used a standardized form
10 that was provided to us by the San Diego State
11 University Foundation. The foundation is the
12 auxiliary organization that manages -- that has
13 oversight of the TV and the radio station for San
14 Diego State University. So I would fill out that form
15 and then meet with the employees and then go over the
16 evaluation form. Yeah, that was the process.

17 Q In connection with the job at KPBS, did you
18 have responsibilities with respect to that station's
19 public inspection file?

20 A No.

21 Q Lucky you. How is it that you became the
22 general manager of KALW?

23 A I was at the public radio conference.
24 Public radio annually holds a convention here in
25 Washington. In 1996, the convention was here in 1996.

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1 I met Enrique Palacios, who at the time was the
2 special assistant to the superintendent for the San
3 Francisco Unified School District. He was there
4 recruiting for the general manager position. I didn't
5 know it at the time, though, when I ran into him. I
6 think he took an interest in me because I attended the
7 California public radio meeting which was held at the
8 conference.

9 He took an interest in me. He asked me
10 about my background, what I did at KPBS. He told me
11 about the job and asked me to apply. I did, and so
12 that's how I got the job.

13 Q So you interviewed with Mr. Palacios?

14 A I interviewed with Enrique and interviewed
15 with a committee, an interview committee in San
16 Francisco. They're probably a committee of four or
17 five people.

18 Q Do you remember any of them?

19 A No, I don't remember who was on the
20 committee.

21 Q Now, prior to becoming general manager at
22 KALW, did you have an opportunity to meet any of the
23 staff?

24 A No.

25 Q So you started as general manager at KALW, I

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1 think you said it was in August 1996?

2 A Correct.

3 Q So on the day you walked into the station to
4 assume your responsibilities is basically the first
5 day you were meeting staff?

6 A Correct.

7 Q Prior to the time you became general
8 manager, had you been to the physical location of KALW
9 to see what it looked like?

10 A No.

11 Q Were you given any advance notice as to who
12 the various people were that you were going to be
13 working with, like a list of names or just who these
14 people were and what they were doing?

15 A No, not as part of the hiring process.
16 Having working in California and being familiar with
17 California public radio stations, I was familiar with
18 the station generally, that they were one of the four
19 or five public radio stations in San Francisco and
20 that the station, especially in the aftermath of the
21 1989 earthquake, was kind of like a troubled station,
22 especially in the aftermath of a format change at
23 KQED, which is the other public radio station in San
24 Francisco.

25 At the time, I think this was in the late

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1 eighties, KALW was San Francisco's main public radio
2 station carrying the NPR flagship programs, like
3 Morning Edition and All Things Considered and Fresh
4 Air. KQED at that same time was mostly classical
5 music. They changed their format. They went to news
6 and information and became the principal public radio
7 news and information station in the city.

8 KALW -- this is what we're aware of in
9 California -- one of the stations in San Francisco,
10 for lack of a better term, was now falling on hard
11 times because their format niche had pretty much been
12 taken by a larger station. So my awareness was they
13 weren't doing too well programming-wise, because the
14 other station had pretty much taken over the news and
15 information format. Small station, kind of grounded
16 in the kind of issues and concerns and problems that
17 are often associated in our industry with stations
18 that are licensed to -- what's the term, like a --

19 Q A public entity?

20 A Yeah, a public entity. My familiarity with
21 managing a public radio or TV station pretty much was
22 from KPBS in San Diego, where I was aware that the
23 university had, for lack of a better term, given
24 oversight of the station, management and oversight to
25 the SDSU Foundation. That wasn't the case in San

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1 Francisco, where the station still was directly under
2 the oversight of the board of education, its board of
3 directors, essentially.

4 Q Did you get to meet any of the board of
5 directors prior to becoming general manager at KALW?

6 A No.

7 Q But you had some idea of who these people
8 were?

9 A No. I had a sense of who they were in a
10 sense that I knew that these were publicly elected
11 officials.

12 Q Did KQED, when it made its format change,
13 take any of the NPR programming, or was that something
14 that was exclusive to KALW?

15 A NPR doesn't have exclusive arrangements for
16 program carriage and for market to market.

17 Q When KQED made its switch from classical
18 music to news and information, did that also involve
19 them taking some of the NPR programming that
20 apparently had previously been the domain of KALW?

21 A Yes, that's my understanding.

22 Q I take it that KQED had a more powerful
23 signal than KALW did?

24 A Yes. KQED covers a greater area than the
25 KALW transmitter.

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1 Q So when you came in as general manager, it's
2 with this background that KQED is now basically a
3 direct competitor, if you will, in terms of the news
4 and information programming that KALW was programming?

5 A Personally, I didn't see it as a competitor.
6 It would have been unwise for a station the size of
7 KALW with its resources and capacity and its governing
8 structure and its signal range to compete with KQED
9 with the same programming. In my mind, the best
10 approach for KALW would have been to not necessarily
11 drop the programming that overlapped with KQED's
12 programming but perhaps carry it at a different time.
13 For instance, on the west coast, Fresh Air, an
14 interview program hosted by Terry Gross, on the west
15 coast, we could air the program as early as 9:00 in
16 the morning.

17 Most stations around the country aired the
18 program at 1:00 in the afternoon. When I got to the
19 station, KALW and KQED were both airing Fresh Air at
20 the same time, at 1:00. KQED at 9:00 in the morning
21 was and still airs their local public affairs program,
22 hosted by Michael Krasny. I figured I'll move Fresh
23 Air to 9:00 in the morning, a very distinct program
24 from Michael Krasny's programming, and serve our
25 audience that way.

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1 Q What directive, if any, were you given prior
2 to becoming general manager in terms of where you were
3 going to take KALW from a programming standpoint?

4 A Well, the station is a dual mission station,
5 which in the public radio industry, when any manager
6 hears that the station has a dual mission, you run as
7 far away or you run away as fast as you can, because
8 to the degree that if you have a mission to serve the
9 listeners, you do that as well as you can. You serve
10 listeners by airing high quality programming,
11 scheduling it in such a way so that it isn't
12 duplicative, like moving Fresh Air to 9:00.

13 The station's other mission is to serve
14 students. One of the things that -- I felt good about
15 doing this -- was involving students to a greater
16 degree in station operations. I believe many of the
17 staff thought that the implementation of involving
18 students more, at a greater level in the station, was
19 with respect to having a student host Morning Edition
20 or actually produce programming. In my mind that, in
21 fact, would have been a disservice to presenting high
22 quality programming.

23 So we did involve students, but more in the
24 station operations, as interns, to provide them with
25 exposure to station operations. The station, in fact,

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1 to this day at the school -- I think Burton High
2 School still has the same emphasis -- is a media
3 magnet school, so they have media and communications
4 classes. We started working with, I think, the
5 journalism professor, or the journalism teacher, whose
6 classroom was across the hallway from the radio
7 station and started to involve his students in the
8 station operations.

9 Q While you were general manager, was there a
10 move at the station, or had the move taken place
11 before you became general manager?

12 A Yes, the station did move. When I arrived
13 at the station, the new station, or the new offices
14 and studios, were still under construction. They were
15 probably about a quarter of the way there. So for the
16 first three or four months of my tenure there at KALW,
17 my main focus was on working with the contractors to
18 build the offices and studios and plan and prepare for
19 the move to the new station. The new station -- I say
20 a new station, but it's not as though it was a station
21 built from the ground up. It occupied -- it was built
22 inside of a wing of Burton High School.

23 Q That was a high school that was already
24 there, so this area was simply being rehabilitated to
25 allow it to accommodate the radio station?

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1 A Correct, doing the subfloors, wiring,
2 dedicated restrooms.

3 Q So when you first became general manager,
4 where physically was the radio station?

5 A Physically, it was located on Harrison
6 Street, just off of the mission district in San
7 Francisco, literally located inside of the John
8 O'Connell High School gymnasium. So they had built a
9 radio station inside the gymnasium.

10 Q And you were at that location for, what,
11 four to six months?

12 A Yeah, that sounds about right. We moved
13 sometime around the new year.

14 Q Do you know how long the radio station had
15 been at the O'Connell High School prior to your
16 arrival as general manager?

17 A Well, the radio, as far as I know, it had
18 been there its whole time. The O'Connell -- the
19 station was located a building located on the
20 O'Connell High School campus. It was a different
21 building that was subsequently destroyed by the
22 earthquake.

23 Q The 1989 earthquake?

24 A Yes, the Loma Prieta earthquake. Then the
25 station was then relocated to the gymnasium, which --

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1 the building survived the earthquake.

2 Q When you became general manage of KALW, did
3 you have any inkling that there was any kind of
4 discontent of the staff for any reason whatsoever?

5 A Sure. The word or the buzz in California
6 public radio, in fact, around the country, was that
7 KALW is a difficult station to manage. The staff
8 members had a sense of privilege because they were
9 civil service employees, which is a problem that
10 cannot not be overcome, because I know that over at
11 KQED in its early years before it really took
12 advantage of its capacity and fully realized its
13 potential that several of the on air talent and on air
14 announcers, not necessarily civil service employees,
15 but they were members of a union that ensured that
16 they would be employed at the station.

17 But the station dealt with those
18 circumstances accordingly and built a fantastic
19 operation around the existing staff. That was one of
20 my hopes for the station, to build a fantastic
21 operation around the existing staff.

22 Q When you walked in and became general
23 manager, was there a hierarchy of staff employees in
24 terms of there were a couple of people who were in
25 charge of an area? If so, who were those people and

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1 what were they doing?

2 A The station was very -- had very limited
3 staffing. There were literally only five employees,
4 enough to meet the community service grant criteria
5 from the Corporation for Public Broadcasting to
6 receive federal funding.

7 Q Now, when you say five employees, are you
8 speaking in terms of --

9 A Full time.

10 Q -- full time, employed by the school
11 district as civil service employees, whatever it is
12 they were doing?

13 A Correct.

14 Q Who were those individuals, and what were
15 they doing?

16 A One position is the general manager
17 position. The other -- there's a program manager
18 position. I believe that's the position that Bill
19 Helgeson, the operations manager, holds.

20 Q So you basically had two hats, then?

21 A Well, this is how you manage employment in
22 the civil service system. There are positions with
23 titles, like program manager. Then you hire in that
24 position to fulfill a function, a different function
25 at the station.

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1 Q It sounds like us.

2 A So there is the program manager position,
3 and then announcer positions. I think one of the
4 announcers -- I don't know if he's still at the
5 station, Alan Farley, JoAnn Marr, and the chief
6 engineer.

7 Q Who was?

8 A At the time I started at the station, the
9 chief engineer was Dave Evans.

10 Q So the individuals that you just named are
11 basically the full time staff of the radio station,
12 but I take it there were other people who provided
13 some kind of service to the station?

14 A Yeah. Within civil service, there is a
15 category called "as needed." These are temporary,
16 hourly, casual folks who we employ as needed, as fill-
17 in announcers. You can't run a station with two full-
18 time announcers.

19 Q Well, there was a fellow back in the
20 seventies, I think, who tried to do that for a while.
21 He ran it solo, a guy named Geller?

22 MS. LEAVITT: Not Henry Geller?

23 MR. SHOOK: No, not Henry. Simon Geller, I
24 think his name was.

25 THE WITNESS: So they were part-time, but

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1 the civil service classifications as needed. There
2 might have been something, an as needed announcer/
3 operator, but we refer to them as as needed staff.

4 BY MR. SHOOK:

5 Q Who was the person responsible for
6 scheduling those individuals for whatever it was they
7 were going to do?

8 A That would have been the operations manager,
9 Bill Helgeson.

10 Q Did you personally ever get involved in the
11 scheduling of those employees?

12 A No.

13 Q So scheduling was something generally within
14 Mr. Helgeson's bailiwick, and you allowed him to do
15 whatever it was that he did?

16 A Correct. Let me back up and say that, not
17 wanting to get too involved in the detail of
18 scheduling, I would express a preference for I'd
19 rather have this announcer on the air in the morning
20 versus this other announcer, who I saw wasn't as
21 proficient or didn't sound as professional, but
22 ultimately, Bill was the one who had to sort out --
23 these were folks who otherwise had jobs elsewhere. It
24 was kind of a like a phone tree. Bill would have to
25 call one person, are you available, can you come in,

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1 and go down the tree.

2 I'm fairly sure I would have stated a
3 preference, like call this person first, then this
4 person, then this person, to make sure we had the best
5 person on the air.

6 Q It sounds like if you're going to work a job
7 like that, you'd better have something else.
8 Otherwise, you're not going to eat very well.

9 A Yes.

10 Q Now, when you became the general manager,
11 did you have any understanding as to what Commission
12 rules there were regarding a public inspection file?

13 A Honestly, I didn't. My background was in
14 programming, production and fundraising. I think that
15 that's what attracted Enrique to me, because he knew
16 the station needed to improve its programming. He
17 wanted to serve students. He wanted to start --
18 involve the students more in station operations and
19 production. Fundraising -- the station was -- aside
20 from the space and the administrative overhead, the
21 subsidy that the school district provided, the station
22 was pretty much on its own with respect to paying
23 bills.

24 Q So one of your principal jobs would have
25 been to scare up more money?

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1 A Yeah, scare up more money, yeah, to raise
2 funding.

3 Q In terms of the students, you had mentioned
4 students before and some programs. What specific
5 programs were students involved in, and what was your
6 role in that?

7 A We hired another person in the program
8 manager position. Her name was Anna Perez, and her
9 principal duty was to build out the program that we
10 would put in place to involve the students. It was
11 kind of one of these unfunded mandate kind of things.
12 The board and the superintendent said we needed to
13 involve students more in station operations. We
14 didn't have the funding for it.

15 One of the things that Anna and I worked on
16 was a funding proposal to the Corporation for Public
17 Broadcasting through the education department, to fund
18 a series of initiatives to really support students in
19 their efforts at the station. I don't remember what
20 those specific initiatives were today.

21 Q Did any of those funding proposals get
22 granted?

23 A No. The proposal was still before the CPB
24 at the time I left in 1998.

25 Q So other than that proposal to get money in

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